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EXAMINER	
SCHROCK, A	
ART UNIT	**PAPER NUMBER**
3204	9

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037

DATE MAILED: 08/08/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 5/12/94 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire THREE month(s), ____ days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims 1-5 are pending in the application.
   Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☒ Claims 4,5 are allowed.
4. ☒ Claims 1-3 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Part III DETAILED ACTION

1. Applicant's amendment received on May 12, 1994 has been entered.

Drawings

2. The drawings are objected to because Figures 6 and 7 are not designated by a legend such as "Prior Art". The legend is necessary in order to clarify what applicant's invention is. MPEP § 608.02(g). Correction is required.

Claim Rejections - 35 USC § 112

3. Claims 1-3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 19-20,
"by a distance which substantially corresponds to or is greater than" is an indefinite alternative phrase.

In claim 1, line 20,
"substantially corresponds" is indefinite.

In claim 1, line 22,
"45 degrees or more" is an indefinite alternative phrase.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 1-3 are rejected under 35 U.S.C. § 102(b) as anticipated by Sato et al or, in the alternative, under 35 U.S.C. § 103 as obvious over Brickner, Jr.

Sato et al discloses a desk-top circular saw which shows a base (3), a turntable (4), a holder (7) supported by the turntable, a saw with shaft located above the support, a motor (16) with a shaft which appears to be parallel with the saw shaft. The motor is mounted above the saw shaft, and is linked

to the shaft through a transmission. Sato et al does not expressly show a motor shaft parallel to the saw shaft.

Brickner, Jr. discloses a motor pack for a circular saw which shows a motor shaft mounted above and parallel with a saw drive shaft. Brickner, Jr. also discloses using gears and belts as transmission means.

It would have been obvious to one having ordinary skill in the art to have connected Sato et al's motor shaft parallel to the saw shaft through gears or a belt so that the motor casing would not interfere with the work during angle cuts as taught by Brickner,Jr.

Additionally, it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish.

Allowable Subject Matter

6. Claims 4-5 are allowable over the prior art of record.

Response to Amendment

7. Applicant's arguments filed May 12, 1994 have been fully considered but they are not deemed to be persuasive.

Regarding applicant's argument that Sato et al and Brickner, Jr. fail to show a motor shaft spaced from the saw shaft at a distance which "substantially corresponds" to the radius of the

saw blade, it is submitted that the phrase "substantially corresponds" is too indefinite to define over the prior art applied. Furthermore, even if a limitation directed to the distance between the axes being equal the radius of the saw blade were incorporated into claim 1, it is submitted that the claim would still not be patentable over the prior art applied.

Conclusion

8. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

9. Any inquiry concerning this communication should be directed to Allan Schrock at telephone number (703) 308-1406.

Eugenia Jones

EUGENIA JONES
PRIMARY EXAMINER
GROUP 3200

AS
August 4, 1994